

1 CHARLENE M. MORROW (CSB NO. 136411)
cmorrow@fenwick.com
2 VIRGINIA K. DEMARCHI (CSB NO. 168633)
vdemarchi@fenwick.com
3 FENWICK & WEST LLP
Silicon Valley Center
4 801 California Street
Mountain View, CA 94041
5 Telephone: (650) 988-8500
Facsimile: (650) 938-5200

6 Attorneys for Plaintiff
7 JOBY PHOTO, INC.

8 MICHAEL O. WARNECKE (IL Bar No. 2942291)
mwarnecke@perkinscoie.com
9 DEBRA R. BERNARD (IL Bar No. 619217)
dbernard@perkinscoie.com
10 PERKINS COIE LLP
11 131 S. Dearborn Street, Suite 1700
Chicago, IL 60603-5559
12 Telephone: (312) 324-8587
Facsimile: (312) 324-9587

13 JASON YURASEK (CSB No. 202131)
14 jyurasek@perkinscoie.com
PERKINS COIE LLP
15 Four Embarcadero Center, Suite 2400
San Francisco, CA 94111-4131
16 Telephone: (415) 344-7021
Facsimile: (415) 344-721

17 Attorneys for Defendant
18 TOCAD AMERICA, INC.

19
20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION
23

24 JOBY PHOTO, INC.,

25 Plaintiff,

26 v.

27 TOCAD AMERICA, INC.,

28 Defendant.

Case No. 3:07-CV-06455 (SI)

**STIPULATION FOR DISMISSAL AND
[PROPOSED] ORDER**

Plaintiff Joby Photo, Inc. ("Joby") and defendant Tocad America, Inc. ("Tocad"), by and through their counsel, hereby stipulate and agree pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, that all claims by Joby against Tocad and all counterclaims by Tocad against Joby in the above-entitled action be dismissed with prejudice. Each party to this stipulation shall bear its own attorneys' fees, costs and expenses incurred in connection with the action.

This Court shall retain jurisdiction until April 30, 2009 to enforce the settlement agreement reached on July 25, 2008 in this action.

Dated: August 22, 2008

FENWICK & WEST LLP

By: /s/ Kimberly I. Culp
Kimberly I. Culp

Attorneys for Plaintiff
JOBY PHOTO, INC.

Dated: August 22, 2008

PERKINS COIE LLP

By: /s/ Michael O. Warnecke
Michael O. Warnecke

Attorneys for Defendant
TOCAD AMERICA, INC.

IT IS SO ORDERED.

Date: _____

Honorable Susan Illston
United States District Judge

ATTESTATION

I, Kimberly I. Culp, attest that concurrence in the filing of this document has been obtained by Michael O. Warnecke, counsel for Defendant Tocad America, Inc.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22nd day of August, 2008 in Mountain View, California.

/s/ Kimberly I. Culp
Kimberly I. Culp

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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW